

### **The WisDOT NEV Ordinance Approval Process:**

Cities, villages and towns may enact ordinances authorizing the operation of NEVs on public roads within their jurisdiction that have a speed limit of 35 mph or less. Cities, villages and towns must notify WisDOT of their intent to allow NEVs on 'connecting highways' or across (but not on) 'state trunk highways'. State trunk highways are numbered highways (i.e. U.S. Highway 41 and Interstate 39), while 'connecting highways' are local roads over which numbered state routes have been overlayed.

Unless WisDOT objects within 21 days of receiving notice, WisDOT cannot prevent the operation of those vehicles on the highways or at the intersections described in the notice.

Since the process is limited to 21 days, WisDOT will sometimes preliminarily object because it may be unclear that the ordinance would allow operation on a connecting or state trunk highway. Following any preliminary objection, WisDOT typically works with the community to resolve WisDOT's concerns or to find a more suitable highway or crossing. NEV ordinances should be sent to the highway operations manager in the appropriate WisDOT regional office.

### **For your information:**

By law, neighborhood electric vehicles cannot exceed 25 miles per hour. The top speed is typically suppressed by a computerized speed governor. Modifications to an NEV that enable the NEV to exceed 25 miles per hour will result in the vehicle losing its classification as an NEV; it will be considered an automobile. NEVs are registered at a special biennial fee of \$23 and bear distinctive license plates. A speed-modified NEV bearing NEV plates violates the state license plate laws, and can result in a citation for \$186.

## **Relevant statutes:**

340.01(36r)

(36r) "Neighborhood electric vehicle" means a motor vehicle that is propelled by electric power and that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicles under 49 CFR 571.3 (b) and 571.500.

"Neighborhood electric vehicle" does not include a golf cart. (NOTE: The federal law referenced above includes 49 CFR 571.500, which reads, in part:

"... the maximum speed attainable in 1.6 km (1 mile) by each low-speed vehicle shall [be] not more than 40 kilometers per hour (25 miles per hour)".)

341.25 Annual and biennial registration fees.

341.25(1)

(1) Unless a different fee is prescribed for a particular vehicle by par.

(b) or ss. 341.26 to 341.268, the following registration fees shall be paid to the department for the annual registration of each motor vehicle, recreational vehicle, trailer or semitrailer not exempted by s. 341.05 from registration in this state:

341.25(1)(b)

(b) For each motorcycle or moped with a curb weight of 1,499 pounds or less, except a specially designed vehicle under s. 341.067, which is designed for the transportation of persons rather than property, and for each neighborhood electric vehicle, a biennial fee of \$23.

349.26 Authority to allow the operation of neighborhood electric vehicles.

(2) Subject to sub. (3), the governing body of any city, town, or village may by ordinance allow the use of a neighborhood electric vehicle on a roadway that has a speed limit of 35 miles per hour or less and over which the city, town, or village has jurisdiction.

(3) (a) An ordinance under sub. (2) may apply to a connecting highway, or to an intersection where the roadway crosses a state trunk highway, within the city, town, or village only if all of the following apply:

1. The city, town, or village provides written notice to the department of the ordinance, including identification of any connecting highway or state trunk highway intersection to which the ordinance will apply.

2. Within 21 days of receiving the notice under subd. 1., the department has provided written or oral consent to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway or has failed to object to the use of neighborhood electric vehicles on the connecting highway or through the intersection crossing the state trunk highway.

(b) If the department makes a timely objection under par. (a) 2., no ordinance enacted under this section is valid for that connecting highway or that intersection crossing the state trunk highway.

349.26 - ANNOT.

History: 2005 a. 329; 2007 a. 33.